



राजपत्र, हिमाचल प्रदेश

(अनाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 28 अगस्त, 2001/6 भाद्रपद, 1923

हिमाचल प्रदेश सरकार

नगर एवं ग्राम योजना विभाग

अधिमूचना

शिमला-2, 19 जुलाई, 2001

संख्या टी० सी० पी० ला-एक्ट एण्ड, ब्लूज/2000. — हिमाचल प्रदेश नगर एवं ग्राम योजना अधिनियम, 1977 (1977 का 12) की धारा 39-ग के साथ पठित धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए अधिमूचना संख्या 9-12/72 पी० ई० सी० नारीख 19-12-1978 द्वारा तारीख 6-4-1979 को राज्यत्व, हिमाचल प्रदेश असाधारण में प्रकाशित, हिमाचल प्रदेश टाउन एण्ड कंट्री प्लानिंग ब्लूज, 1978 में और संशोधन करने के लिए निम्नलिखित नियम बनाने का प्रस्ताव करते हैं। इन्हें अनाधारण की मूचना के लिए राजपत्र हिमाचल प्रदेश में एतद्वारा प्रकाशित किया जा रहा है और एतद्वारा नोटिस दिया जाता है कि उक्त नियमों पर इनके राजपत्र में प्रकाशन की तारीख से 30 दिन की अवधि के अवमान के पश्चात राज्य सरकार द्वारा विचार किया जाएगा।

इन नियमों से समाप्त प्रभावित होने वाला कोई व्यक्ति यदि इन नियमों के विरुद्ध कोई आशेष करना या मुसारा देना चाहे तो वह उन्हें लिखित रूप में उक्त विनिर्दिष्ट धवधि के भीतर आयुक्त एवं गवर्नर एवं ग्राम योजना हिमाचल प्रदेश सरकार, शिमला-2 को भेज सकेगा।

उपरोक्त विनिर्दिष्ट धवधि के भीतर प्राप्त मुसारा या आशेषों, यदि कोई हो, पर राज्य सरकार द्वारा इन नियमों को अन्तिम रूप देने से पूर्व विचार किया जाएगा, अर्थात्:—

1. संक्षिप्त नाम.— (1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश टाउन एण्ड कन्ट्री प्लानिंग एक्ट 1978 का संक्षिप्त नाम, 2001 है।

(2) ये नियम राजपत्र हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. नियम 19-ई का संनस्थापना.— हिमाचल प्रदेश टाउन एण्ड कन्ट्री प्लानिंग एक्ट, 1978 जिन्हें इसमें इसके पश्चात् उक्त नियम कहा जाएगा, के नियम 19-ई के पश्चात् निम्नलिखित अंतःस्थापित किया जाए, अर्थात्:—

"19-E *Composition of offences.*—(1) Any person, not being the Union Government, State Government or a local authority constituted under Act 1978, may apply, under sub-section (1) of section 39-C in form XVII-D, to the Director for composition of offences along with the schedule attached with the application form.

(2) *Application fee.*—Every application submitted under sub-section (1) of section 39-C, shall be accompanied by a fee of Rs. 100/- deposited into the Government Treasury, under the appropriate head of account through treasury Challan.

(5) *Composition fee.*—Composition Fee shall be charged from the applicant at the rates specified below:—

Sl. No. 1	Offence 2	Composition fee 3
1.	Deviation to the extent of 10% in the set backs from the approved plan (floor-wise).	<p>(i) In the case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, @ Rs. 400/- per sq. m. for ground floor level and @ Rs. 200/- per sq. m. for each subsequent floor level; and</p> <p>(ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, @ Rs. 200/- per sq. m. for ground floor level and @ Rs. 100/- per sq. m. for each subsequent floor level.</p>
2.	In case of buildings where plans were not approved:—	
	(a) Construction carried out conforms to the Development Plan/Interim Develop-	(a) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal

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	ment Plan and other rules prescribed under sections 15-A and 16 of the Act <i>ibid.</i>	Council, Rs. 5000/- up to 100 sq. m. plinth area and @ Rs. 100 per sq. m. for over 100 sq. m. plinth area; and
		(ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, Rs. 2000/- upto 100 sq. m. plinth area and @ Rs. 50/- per sq. m. for over 100 sq. m. plinth area.
(d)	Excess coverage of set backs to the extent of 10% of permissible set backs (floor wise).	(b) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, @ Rs. 400/- per sq. m. for ground floor level and @ Rs. 200/- per sq. m. for each subsequent floor level; and
		(ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, @ Rs. 200/- per sq. m. for ground floor level and @ Rs. 100/- per sq. m. for each subsequent floor level.
(c)	Building constructed on an under size plot than prescribed under the rules and regulations.	(c) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, Rs. 5000/-; and
		(ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, Rs. 2000/-.
(f)	Actual land use of the land is different from the land use prescribed in the Interim Development Plan/ Development Plan : Provided that deviation/ offence of change of land use to Hotel and Medium or Heavy Industry shall not be compounded : Provided further that for offences covered under 2(b), 2(c) and/or 2(d), the compounding fee provided under 2(a) shall also be charged.	(f) (i) In case of land use changed to residential from any other use; @ Rs. 30/- per sq. m.
		(ii) In case of land use changed to Commercial or industrial from any other use, @ Rs. 50/- per sq. m. and
		(iii) In case of land use changed to any other use not covered above @ Rs. 30/- per sq. m.

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3. Deviation in Floor Area Ratio to the extent of 10% from the permissible Floor Area :

Provided that no extra storey than permissible under the provisions of Development Plan, Interim Development Plan or rules under section 15-A and 16 of the Himachal Pradesh Town and Country Planning Act, 1977 shall be allowed (Basement and Attic shall be counted as an independent storey).

Provided further that the increase in Floor Area Ratio on account of excess coverage of set backs shall be considered deviation in the Floor Area Ratio and in such case, the deviation upto 15% may be permitted.

Extra coverage of Plot to the extent of 10% than permissible:

Provided that extra area of plot covered on account of extra coverage of set backs shall be excluded while charging composition fee.

(i) In case the use of the building is Commercial or Hotel, @ Rs. 5000/- per sq. m. ; and

(ii) In case of any other use of the building than mentioned in clause (i) above, @ Rs. 2000/- per sq. m.

@ Rs. 100/- per sq. m. :

Provided further that the Government may exempt certain areas from the application of these rules if the Local Authorities of such areas have framed their own rules for this purpose :

Provided further that each offence shall be compounded separately.

3. प्ररूप 17-डी का जोड़ा जाना.—उक्त नियमों के प्ररूप 17-सी के पश्चात् नया प्ररूप 17-डी जोड़ा जाएगा ।

“FORM XVII-D
(See rule 19-E)

FORM OF APPLICATION FOR COMPOSITION OF OFFENCES UNDER SECTION 39.C OF THE HIMACHAL PRADESH TOWN AND COUNTRY PLANNING ACT, 1977 (ACT NO. 12 OF 1977).

No.

Dated.

From :

.....
.....
.....

To

The Director,
Town and Country Planning Department,
Himachal Pradesh, Shimla-171 009.

Sir,

I/We beg to apply for composition offences having carried out unauthorised construction on Khasra No..... Khata Khatauni No..... measuring situated at Mauza pargana..... Tehsil..... District..... Himachal Pradesh. Details of the unauthorised construction are as follows:—

I. (a) In case of deviation from the approved plan :

(i) Original Plan approved *vide* No.....

Dated.....

(ii) Deviation in the set backs (Floor wise)

Ground floor.....sq. m.

First floor.....sq. m.

Second floor.....sq. m.

(iii) Deviation in Floor Area Ratio.....sq. m.

(iv) Extra coverage of plot.....sq. m.

(b) In case of total unauthorised construction :—

(i) No. of storeys of the building.....

(ii) Whether the construction carried out is as per Development Plan/Interim Development Plan regulations and other prescribed rules under section 15-A and 16 of the Act..... Yes/No.

(iii) Excess coverage of set backs than permissible.

Ground floor....sq. m.

First floor.....sq. m.

Second floor.....sq. m.

(iv) Whether building constructed on an under size plot..... Yes/No.

(v) Whether the land use of the land has been changed..... Yes/No. If yes, changed from..... to.....

(vi) Excess coverage than the permissible Floor Area Ratio.....sq. m.

(vii) Extra coverage of plot than permissible.....sq. m.

2. I/We attach

- (a) sheets of plans, elevation and sections stated in the enclosed schedule.
- (b) Photographs of building from front and one side showing clearly the No. of storeys.
- (c) Jamabandi/Sale Deed.
- (d) Tatima showing access to the plot.
- (e) Location Plan.
- (f) Site Plan.
- (g) No objection certificate from the Collector in case the building or a part thereof, falls within the controlled area under the provisions of the Himachal Pradesh Road Side Land Control Act, 1968.

3. The Plans have been prepared by.....
 (Name of the Registered Architect/Planner/Engineer/Draughtsman) Registration No.....

Address.....

4. I/We have deposited a sum of Rs. 100/- towards the application fee *vide* Treasury Challan Receipt dated.....
 (Original attached).

Yours faithfully,

Signature of the applicant(s).

Address.....

SCHEDULE

PLANS :

1. Site Plan in 1:200 scale showing all drainage lines, sewage connection/or location of septic tank, soak pit and house drainage.

2. Building Plans to the scale of 1:100 scale showing :

- (i) Ground floor plan
- (ii) Other floor plans
- (iii) Typical cross section
- (iv) Longitudinal section
- (v) Two elevations

These drawings must be in the form of working drawing showing all the dimensions of rooms, openings, thickness of walls, roofs, flooring, foundations and damp proof course.

3. SCHEDULE OF AREA:

Built up Areasq. m.
Open Areasq. m.
Total Plot Areasq. m.

4. SCHEDULE OF OPEN SPACES :

Front Set back metres
Side set backs metres
Rear set back metres

Signature of Applicant(s).''

आवेश द्वारा,

हस्ताक्षरित/-

आयुक्त एवं सचिव ।

[Authoritative English text of government Notification No. TCP-Law-VI-Act and rules/2000, dated 19-7-2001 as required under clause (3) of Article 348 of the Constitution of India.]

TOWN AND COUNTRY PLANNING DEPARTMENT

NOTIFICATION

Shimla-2, the 19th July, 2001

No. TCP-LAW-VI-Act & Rules/2000.—In exercise of the powers conferred by section 87 read with section 39-C of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977), the Governor of Himachal Pradesh proposes to make the following rules further to amend the Himachal Pradesh Town and Country Planning Rules, 1978 published in the Rajpatra, Himachal Pradesh (Extra ordinary) dated 6-4-1979 vide notification No. 9-12-72-PW(B), dated 19-12-1978. The same are hereby published in the Rajpatra, Himachal Pradesh for the information of the general public, and notice is hereby given that the said rules will be taken into consideration by the State Government after the expiry of a period of 30 days from the date of their publication in the Rajpatra.

If any person, likely to be affected by these rules have any objection(s) or suggestion(s) to make against these rules, he may send the same in writing to the Commissioner-cum-Secretary (Town and Country Planning) to the Government of Himachal Pradesh, Shimla-171002 within the period specified above.

Objections/suggestions, if any, received within the period specified above, shall be taken into consideration by the State Government before finalising these rules, namely :—

1. **Short title**— (i) These rules may be called the Himachal Pradesh Town and Country Planning (Amendment) Rules, 2001.

(ii) They shall come into force from the date of publication in Rajpatra, Himachal Pradesh.

2. **Insertion of rule 19-E.**—After rule 19-D of the Himachal Pradesh Town and Country Planning Rules, 1978 (hereinafter called the 'said rules'), the following shall be inserted, namely :—

“19-E 1 **Composition of offences.**—(1) Any person, not being the Union Government, State Government or local authority constituted under Act *ibid*, may apply,

under sub-section (1) of section 39-C in form XVII-D, to the Director for composition of offences along with the schedule attached with the application form.

- (2) *Application Fee*.—Every application submitted under sub-section (1) of section 39-C, shall be accompanied by a fee of Rs. 100/- deposited into the Government Treasury, under the appropriate head of account through Treasury Challan.
- (3) *Composition Fee*.—Composition fee shall be charged from the applicant at the rates specified below :—

Sl. No. 1	Offence 2	Composition Fee 3
1.	Deviation to the extent of 10 % in the set backs from the approved plan (floor-wise).	<p>(i) In the case of building falling within the jurisdiction of Municipal Corporation of Municipal Council, @ Rs. 400/- per sq. m. for ground floor level and @ Rs. 200/- per square metre for each subsequent floor level; and</p> <p>(ii) In case of building falling outside the jurisdiction of Municipal Corporation/ Municipal Council, @ Rs. 200/- per square metre for ground floor level and @ Rs. 100/- per square metre for each subsequent floor level;</p>
2.	In case of buildings where plans were not approved :	
	(a) Construction carried out conforms to the Development Plan/Interim Development Plan and other rules prescribed under section 15-A and 16 of the Act <i>ibid</i> .	<p>(a) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, Rs. 5000/- upto 100 square metre plinth area and @ Rs. 100/- per square metre for over 100 square metre plinth area; and</p> <p>(ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, Rs. 2000/- upto 100 square metre plinth area and @ Rs. 50/- per square metre for over 100 square metre plinth area</p>
	(b) Excess Coverage of set backs to the extent of 10% of permissible set backs (Floor-wise).	<p>(b) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, @Rs. 400/- per square metre for each ground floor level and @ Rs. 200 per sq. m. for each subsequent floor level; and</p> <p>(ii) In case of building falling outside the jurisdiction of Municipal Corpo-</p>

- | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| | | ration/Municipal Council, @ Rs. 200/- per square metre for ground floor level and @ Rs. 100/- per square metre for each subsequent floor level. |
| (c) | Building constructed on an under size plot than prescribed under the rules and regulations. | (c) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, Rs. 5000/-; and
(ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, Rs. 2000/-. |
| (f) | Actual land use of the land is different from the land use prescribed in the Interim Development Plan/ Development Plan:

Provided that deviation of change of land use to Hotel and Medium or Heavy Industry shall not be compounded :

Provided further that for offences covered under 2(b) 2(c) and / or 2 (d), the compounding fee provided under 2(a) shall also be charged. | (f) (i) In case of land use changed to residential from any other use, @ Rs. 30/- per sq. m.

(ii) In case of land use changed to Commercial or Industrial from any other use, @ Rs. 50/- per sq. m.; and

(iii) In case of land use changed to any other use not covered above, @ Rs. 30/- per sq. m. |
| 3. | Deviation in Floor Area Ratio to the extent of 10% from the permissible Floor Area :

Provided that no extra storey than permissible under the provisions of Development Plan, Interim Development Plan or rules under section 15-A and 16] of the Himachal Pradesh Town and Country Planning Act, 1977 shall be allowed (Basement and Attic shall be counted as an independent storey):

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(ii) In case of any other use of the building than mentioned in clause (i) above, @ Rs. 2000/- per sq. m. |

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Ratio and in such case, the deviation upto 15% may be permitted.

4. Extra coverage of Plot to the extent of 10% than permissible:

@ Rs. 100/- per sq. m.

Provided that extra area of plot covered on account of extra coverage of set backs shall be excluded while charging composition fee.

Provided further that the Government may exempt certain areas from the application of these rules if the local Authorities of such areas have framed their own rules for this purpose :

Provided further that each offence shall be compound separately.

3. *Addition of form XVII-D.*—After form XVII-C of the said rules, a new form “XVII-D” shall be added, namely —

“FORM XVII-D
(See rule 19E)

Form of application for composition of offences under section 39-C of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977).

No.....

Dated.....

From :

.....
.....
.....

To

The Director,
Town and Country Planning Department,
Himachal Pradesh, Shimla-171009.

Sir,

I/We beg to apply for composition of offences having carried out unauthorised construction on Khasia No..... Khata Khatauni No..... measuring..... situated at Mauza..... Pargana..... Tehsil..... District..... Himachal Pradesh. Details of the unauthorised construction are as follows :—

1. (a) In case of deviation from the approved plan :—

(i) Original Plan approved vide No..... Dated.....

- (ii) Deviation in the set backs (Floor-wise).
 Ground floor.....sq. m.
 First floor.....sq. m.
 Second floor.....sq. m.
- (iii) Deviation in floor Area Ratio.....sq. m.
- (iv) Extra coverage of plot.....sq. m.
- (b) In case of total unauthorised construction :—
- (i) No. of storeys of the building.....
- (ii) Whether the construction carried out is as per Development Plan/Interim Development Plan regulation and other prescribed rules under section 15-A and 16 of the Act..... Yes/No.
- (iii) Excess coverage of set backs than permissible :
 Ground floor.....sq. m.
 First floor.....sq. m.
 Second floor.....sq. m.
- (iv) Whether the building constructed on an under size plot.....
 Yes/No.
- (v) Whether the land use of the land been changed.....
 Yes/No. If yes, changed from has.....
 to.....
- (vi) Excess coverage than the permissible Floor Area Ratio.....
sq. m.
- (vii) Extra coverage of plot than permissible.....sq. m.

I/We attach

- (a) Sheets of plans, elevation and sections stated in the enclosed schedule.
- (b) Photographs of building from front and one side showing clearly the No. of storeys.
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The Plans have been prepared by.....
 (Name of the Registered Architect/Planner/Engineer/Draughtsman), Registration No.....

Address.....

4. I We have deposited a sum of Rs. 100/- towards the application fee vide Treasury Challan Receipt dated.....
(Original attached).

Yours faithfully,

Signature of the applicant(s).

Address.....

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SCHEDULE

PLANS

1. Site Plan in 1:200 scale showing all drainage lines, sewage connection or location of septic tank, soak pit and house drainage.

2. Building Plans to the scale of 1:100 scale showing :

- (i) Ground floor Plan
- (ii) Other floor plans
- (iii) Typical cross section
- (iv) Longitudinal section
- (v) Two elevations

These drawings must be in the form of working drawing showing all the dimensions of rooms, openings, thickness of walls, roofs, flooring, foundation and damp proof course.

3. Schedule of Area :

Built up Areasq. m.

Open Areasq. m.

Total Plot Areasq. m.

4. Schedule of open Spaces :

Front set backmetres

Side set backmetres

Rear set backmetres

Signature of Applicant(s)."

By order,

Sd/-

Commissioner-cum-Secretary.